

IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT
OF PENNSYLVANIA

UNITED STATES OF AMERICA :
:
V. : CASE NO. 2:21-CR-00210-KNS
PASCAL GEDEON :
:

SENTENCING MEMORANDUM

I. INTRODUCTION

The defendant respectfully submits the following memorandum in aid to the court to impose a fair and just sentence. The guideline range exceeds the minimum mandatory of 15 years for repeated offenders. The defendant has nor prior criminal history. In light of the circumstances around the offense, a sentence outside of the guideline may be appropriate.

II. OBJECTIONS

The defendant maintains the following objections:

- 1) The defendant did not maintain a collection of child pornography. The defendant had explained to the agents that as soon he realized that it was more serious than he thought, he stopped.

- 2) The defendant's attempt to withdraw his guilty plea does not preclude him from receiving a reduction under 3E1.1 (a) & (b). The defendant has reasons to believe that his conduct falls the definition of advertisement, and distribution requires a harsher penalty. The defendant is also concerned about preserving the record for appellate purposes.
- 3) The commentary notes explained the application of 2G2.2 (b)(f). The notes listed a lot of inchoate offenses, but purposely excluded attempt. The sentencing guideline provided a definition of distribution that is broader than the statute. Husmann, 765 F.3d 169 (explaining that the definition provided by the sentencing guideline is broader than 2252). "A sentencing guideline may violate due process if the sentencing factors expose the defendant to a greater punishment beyond the statute of conviction." Galloway, 799 F.2d 414 at Lexis 35. "The Rule of Lenity applies to the sentencing guidelines." Savani, 733 F.3d 56. There is a thin line between distribution and advertisement. At the time of the charged offense, the defendant never said to any of the users to make sure to download the visual depictions.
- 4) 2G2.2(b)(7)(D) should not apply. The plea agreement clearly stated that the defendant is pleading guilty to the indictment, and the offense involved over 600 images. The defendant has a right to be sentenced based on the conduct charged in the indictment, and such right may be waived with his consent. The plea agreement did not present that enhancement as relevant conduct, but as the conduct charged in the indictment.

5) The court may consider the circumstances around the offense to grant a reduction under 2X1.1(b)(2). This section provides a reduction if the defendant did complete partially the steps to make the offense successful. In the circumstances of this case, the offense can only be committed with one step. The court may vary downward in considering 3553 factors.

6) The defendant objects to any order of restitution, The PSR made no reference to any loss suffered by the victim nor a showing of proximate cause. See Paroline, 572 US 434 (2014) (The court reversed the order requiring restitution when the government was not able to point out any loss to the victim and proximate cause).

7) The defendant did disclose to the agents that he had two jobs. Document 59-1, page 86 or 92, line 6.

8) The claim that the minor had change in his behavior is not enough to warrant an upward departure. Our justice system requires a standard to prove everything beyond a reasonable doubt. This does not even to probable cause.

With an offense level of 26 and a criminal history of category I., The defendant's guideline range should be 63-78 months.

III. VARIANCES

The defendant requests a variance for the following reasons:

- 1) Zero-point offender 4C1.1.
- 2) The defendant was in his mid 20's at the time of the offense in 2019 (24 years old). 5H1.1

- 3) The government conceded that it does not have proof that someone received the visual depictions. Document 293-1, page 48. The offense can only be committed in one step. The court may consider the factors set in 3553 to vary downward.
- 4) The court may grant a reduction because of the defendant's deportable status. The need to protect the community from future crimes is significantly reduced. See also Smith, 27 F.3d at 655.
- 5) The court may grant a reduction due to the defendant's lack of criminal intent. Counsel was able to verify that there is no law in Haiti that is similar to 2252. The defendant did not know his behavior was criminal. Document 59-1, page 21, line 25. See Dodson, 519 Fed Appx. 334 at Lexis 21 (holding that mistake of law can be ground for a reduction).
- 6) The defendant was intoxicated at the time of the offense. See McBroom, 124 F.3d 533 at 548 (explaining that there is a cognitive and volitional prong to 5K2.13). The ability to understand and to stop to criminal act are two separate issues.
- 7) The court may depart downward to avoid sentencing disparity. Robinson, 603 F.3d 230.
- 8) The court may reduce the sentence due to improper investigatory techniques. Nolan-Cooper, 155 F.3d 221. The defendant testified in front of judge Pratter that he was held on the sidewalk for a significant amount of time in winter time. The agents also told the defendant that it would be worse for him if he refused to talk.

9) The court may also reduce the sentence due to physical, sexual abuse and other trauma that the defendant had experienced, including a dysfunctional family. Davis, 2004 US Dist Lexis 17099; Nivar, 2003 US Dist Lexis 10865.

IV. DEFENDANT'S PERSONAL HISTORY AND CHARACTERISTICS

The defendant was originally born in Haiti. He moved to the United States when he was 21 years old. The instant offense was committed in 2019, and the defendant was 24 years old at the time. The defendant has no past criminal history and maintained steady employment, although he was employed temporarily at the offense. The PSR mentioned two disciplinary infractions. The first one was a result of the mistreatment of the staff by locking the defendant in the rec. yard for more than two hours in winter time without any possibility for him to stay warm. The defendant attempted to talk to the correctional officer, but she ignored him. The other incident was simply an investigation that the staff concluded was unsubstantiated. At the time of the offense, the defendant was experiencing a mental breakdown. His unemployment checks were about to be terminated, his brother had renal failure, his relationship was having a lot of issues, and the defendant was intoxicated. (counsel will provide a translation of a conversation that took place on Tumblr in Haitian-Creole that support this assertion about difficulties in the relationship).

The mental evaluation indicated that the defendant's sexual conduct did not occur over a period of time that was lengthy nor did it worsen over time. The defendant was able to maintain his lifestyle for two years without any attempt to engage in illegal activities.

The mental evaluation report described the defendant as to have some self-control, positive attitudes towards authority figures, and with no desire to harm others. The report concluded that the defendant has the ability to conform his behavior to the law.

Note: In a conversation held on Tumblr, the defendant claimed that his cousin who is 21 had sex with him when the cousin was 11 and the defendant was 17. This is mathematically impossible. Someone who was 21 in 2019 2019 was born in 1998. The defendant was born in 20 1994. The defendant was 15 when the cousin was 11.

V. FINE AND TIME CREDIT

The defendant requests that the court waive any fine that may be imposed because the defendant is indigent. The defendant also requests time credit for been in custody since May 25 2021.

VI APPROPRIATE DISPOSITION

The court may impose a sentence outside of the guikline due to the defendant's history and persona;l trauma, imncluding the circumstances around the offense. The minimum mandatory of 5 years is enough to satisfy the facets required in 3553.

Respecfully submitted,

Pascal Gedeon

July 14, 2025

Pascal Gedeon

EXHIBIT A

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA :
v. :
PASCAL GEDEON :
: Criminal No.: 21-210

RECORDED INTERVIEW OF PASCAL GEDEON

DATE: October 17, 2021
TIME: 6:50 a.m.

PARTICIPANTS: Special Agent Daron Schreier
Special Agent Jake McAdams
Pascal Gedeon

1 know when you work, but we could -- if
2 not --

3 GEDEON: Tomorrow is Saturday.

4 SCHREIER: We could set it up for some day in the
5 future. When do you work, generally?

6 GEDEON: I work -- I work two jobs and if you want to
7 schedule something like that, it has to be
8 Tuesday, Thursday, or Thursday.

9 SCHREIER: Tuesday or Thursday?

10 GEDEON: No, Tuesday, Wednesday, or Thursday.

11 MCADAMS: Tuesday, Wednesday, or Thursday are best?

12 GEDEON: Um-hmm.

13 MCADAMS: Okay.

14 SCHREIER: So, next week you could potentially do it?

15 GEDEON: Yeah.

16 SCHREIER: Okay. I think that's your best -- the best
17 thing to do moving forward --

18 MCADAMS: Um-hmm.

19 SCHREIER: Because, like I said -- all right. It's not
20 a great situation you're in, but let's put
21 it at the best possible thing.

22 MCADAMS: Um-hmm.

23 SCHREIER: And the best possible thing is to make us
24 comfortable that this chatting was all just
25 made up and you're not --



Awards this Certificate in
Legal Assistant/Paralegal
with Distinction upon

Pascal Gedeon

*who has fulfilled all the requirements prescribed by the School and is entitled
to all of the honors, rights and privileges thereunto appertaining.*

In Testimony Whereof this recognition of achievement is

Given this 1st Day of April 2025

L. J. Miller
President
Alma J. Behre B.S., M.Ed.
Director of Education



Hamilton, March 14, 2025

Pierre GÉDÉON

Father of Pascal GÉDÉON

Email: [REDACTED]

TO WHOM IT MAY CONCERN

Subject: Request for Sentence Reduction.

Dear Mr. Acciamani,

I am Pierre GÉDÉON, father of Pascal GÉDÉON. I would like to draw your attention to my son's situation and request a favor to reduce his sentence and release him as soon as possible.

Since his birth on [REDACTED] 1994, Pascal has always shown a positive attitude. He regularly plays with his siblings and helps at home without complaining. At school, he has always been a diligent student, and in his community, he has consistently demonstrated kindness.

I left my son at the age of 12 with his mother to move to Canada in search of a better life for our family. However, I have spoken with him very often and maintained contact with him to this day, even after his incarceration.

For these reasons, I would be grateful if you could show compassion toward him by allowing him to regain his freedom after more than three years of imprisonment.

Awaiting a favorable response to my request, I thank you in advance for your understanding and ask you, sir, to kindly accept my most humble regards.

Pierre GÉDÉON

Phone: [REDACTED]

Email: [REDACTED]



To the honorable judge Kai Scott

From Leons rap A mort YNB GANG [REDACTED]

Date Sun 3/16/2025 11:08 AM

To KCCacciamani@hotmail.com <KCCacciamani@hotmail.com>

To the honorable judge Kai Scott Hello, my name is Laens Bazard I am Pascal Gedeon, we have been living in the same place for more than 7 years, just because he came to travel and despite this, he never abandoned his family and friends. He is a very sensitive person and it is because of him that I could continue to go to school and live a better life because we can see this in all of Haiti, not a country that is easy for even its people since the days when they closed it in a place without defense. It is only him that we close and all the family and friends who close it in a place without defense. Pascal Gedeon does not deserve what he is going through, I ask for Pascal Gedeon's release
Laens Bazard Address: [REDACTED] Tel: [REDACTED]

Envoyé de mon iPhone

I'm Mike-Heinrich, I live in Haiti, I'm taking the liberty of sending you this letter about Pascal Gedeon, I'm writing to you because you're the only person who can help us in this situation, I'm saying we because it's all a family that suffers with the fact that he's in prison, he's really a good guy, He is a sensitive person and a person of heart, he hates lying, I don't think if he knew he was wrong that he was going to stay in the wrong, he deserves a new chance and he is not a danger to society, because he helps everyone, I remember when he worked with sick children, and I was connected to the car's bluetooth he took all his time to teach them how to say hello, good evening because he enters the car without saying anything and over time, they ended up saying hello, he wanted to be a nurse since I knew him he helps me with my studies, in payment therme, homework I can say with everything, and he is never tired, there is a day that I will never forget it was in 2020 he came to see me in the Dominican Republic, he gave me a surprise party because I spent all my time complaining about not having a party, and in that period he offered a fridge to my aunt and he offered me a bed because I sleeping on the floor, he brought clothes for my goddaughter, he gave her food and then played with her and he treated her like his nieces, he loves children very much, and having a child is one of his dreams, he is a good friend who always advises me who makes me grow, I will say us because he is the same with his cousins, he helps everyone, despite being in prison he helps more than a tenth of fellow inmates with their file despite he doesn't even know what will happen in his, sometimes he prefers to stay without money to send us money in Haiti, despite he is locked up, I will tell you another time he is a person of heart, sometimes he even leaves his happiness to please others, to err is human, it can happen that he made a mistake but he deserves a new chance, because it breaks my heart when his mother cries because he is not there, because he was the one who helped him with the house and with his brother who is very sick, His mother doesn't speak English, she doesn't know how to drive, that means he was the one who did everything at home, giving him a new chance is giving his family, his friends, with everyone he was helping a new chance.



Pascal Gedeon

From Mike Heinrich Mulatre <[REDACTED]>
Date Fri 3/14/2025 12:17 PM
To KCCacciamani@hotmail.com <KCCacciamani@hotmail.com>

bonsoir cher maître,

Je suis Mike-Heinrich, je vis en Haïti je me permets de vous adresser ce courrier concernant Pascal Gedeon, je t'écris parce que vous êtes la seule personne qui peut nous aider dans cette situation, je dis nous parce que c'est toutes une famille qui soufre avec le fait qu'il soit en prison, il est vraiment un type de bien, c'est une personne de sensible et une personne de cœur, il déteste mentir, je ne pense pas s'il savait qu'il avait tort qu'il allait rester dans le tort, il mérite une nouvelle chance et il n'est pas un danger pour la société, parce qu'il aide tout le monde, je me rappelle lorsqu'il travaillait avec les enfants malades, et j'étais connecté sur bluetooth de la voiture il prenait tout son temps à leur apprendre à dire bonjour, bonsoir parce qu'il rentre dans la voiture sans dire rien et au fil du temps, ils ont fini par dire bonjour, il voulait être infirmier depuis que je le connais il m'aide avec mes études, en thérapie de paiement, les devoirs je peux dire avec tout, et il n'est jamais fatigué, il y a un jour que je n'oublierai jamais c'était en 2020 il était venu me voir en République dominicaine, il m'a fait une fête surprise parce que je passais tout mon temps à se plaindre de ne pas avoir une fête, et dans ce périodes il a offert un frigo à ma tante et il m'a offert un lit parce que je dormais par terre, il a apporté des vêtements pour ma filleule, il l'a donné à manger puis jouer avec elle et il l'a traité comme ses nièces, il aime beaucoup les enfants, et avoir un enfant c'est l'un de ses rêves, c'est un bon ami qui me conseille toujours qui me fait grandir, je vais dire nous parce qu'il est pareil avec ses cousins, il aide tout le monde, malgré est en prison il aide plus une dixième de co-détenus avec leur dossier malgré il ne sait même pas ce qui va se passer dans le sien, Parfois il préfère rester sans argent pour nous envoyer de l'argent en Haïti, malgré il est enfermé, je vais te le dire une autre fois c'est une personne de cœur, parfois il laisse même son bonheur pour faire plaisir aux autres, l'erreur est humaine ça peut arriver qu'il a fait une erreur mais il mérite une nouvelle chance, parce que ça me brise le cœur quand sa mère pleure parce qu'il n'est pas là, parce que c'était lui qui l'aidait avec la maison et avec son frère qui est très malade, sa mère ne parle pas l'anglais, elle ne sait pas conduire ça veut dire c'était lui qui fessait tout chez lui, le donner une nouvelle chance c'est donner sa famille, ses amis, avec tout le monde qu'il aidait une nouvelle chance.

Je vous prie d'agréer, Maître, l'expression de mes salutations respectueuses.

July 13, 2025

Dear Judge:

My name is Crandall Speights and I am writing to you on behalf of Pascal Gedeon. It's my understanding that he is due to appear before you for sentencing, in the near future.

I am currently an inmate at FDC-Philadelphia and I had the introduction of meeting Pascal, through another inmate. This was my first time in federal custody and Pascal helped me to get acclimated to the facility. He was very helpful in helping me to learn how to use the computer system and to help me understand how the BOP worked.

I have had the honor of extensively conversing with Pascal and he is very intelligent, compassionate, endearing and willing to assist anyone with any matters that they find themselves, trying to resolve. I've witnessed Pascal being ridiculed and ostracized by other inmates and staff, but that has never seemed to break the momentum he has in being optimistic.

I have never discussed with Pascal the nature of his charges or his reason for being here, but it seems that whatsoever brought him here, he has been reformed and has realized the error of his ways. The reason I attest to this fact is because, How Pascal continues to strive and better himself daily. From our conversations he has

Explained to me how he plans to continue his Education when he is released and try to continue to be a Beacon of light for others. He has told me about his brother, who ~~is~~ is mentally challenged and sick with renal disease. His mother is alone caring for his brother and he's told me he plans to assist his mother with caring for his brother.

I see Pascal as a passionate person. He seems to have a weakness for helping others, sometimes no matter the cost. I see him ~~blooming~~ blossoming in the future from this turbulent adversity.

Although Pascal may have made a mistake in getting into trouble, he has taken this situation from a stumbling block and made it into a stepping stone. I ask that you'll be compassionate on him at his sentencing.

Thank you in advance for your consideration.

Respectfully Submitted,



Crandall Speights # 79339-510
FDC - Philadelphia
P.O. Box 562
Philadelphia, PA 19105

To the honorable judge,

My sole intent in writing this letter to you is to give you an idea of my good friend Pascal Gideons character so that you may deliver your judgement in accordance with what I believe describes who he is to the best of my ability. Firstly, my name is Matthew Ricardo, reg No: 02867-510, I am an inmate housed in FDC PHILADELPHIA awaiting Sentencing, I'm 24, and am hoping to work with animals when I get out. Due to my charge, gullibility, and the excessive tendency to be timid in social interaction, paired with my small stature, I was extorted for 1.5 months at this facility. I had no friends other than Pascal, I was constantly threatened and fearing for my life. The bullying still impacts me to this day. Despite the fact that it was bad for his social standing, Pascal always lent a listening ear, provided money to me when all of mine was stolen, hygiene, food, even a shoulder to cry on. More importantly, Pascal became a friend that I never knew I could ever have, someone I know I want in my life forever. When everyone was ridiculing me and pressuring me to do their bidding, he was consoling me, educating me in law, telling me jokes, teaching me French, showing me music, and allowing me to watch movies with him. I'm not the only one it turns out that Pascal has helped through a dark night of the soul, he's helped many inmates learn law, quit drugs, and has even prevented suicides here on the 6th floor. Pascal is truly kind by nature, heaven sent, and is a role model for me in everyday life. I've been in prison for 3 months. The first half was my own personal hell, but this second half has felt like just a boarding school for criminals thanks to Pascal. I am forever grateful for the ways in which he's touched my life and others, we're lucky to have this guy in the world, thank you for reading this.

Sincerely, Matthew Ricardo